IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

WP(C).No. 11539 of 2006(W)

PETITIONER:

P.A.ABDUL RAHMAN,
3RD GRADE OVERSEER, OFFICE OF THE ASSISTANT ENGINEER, PUBLIC WORKS DEPARTMENT, BRIDGE SECTION, CHAVAKKAD, THRISSUR DISTRICT.

BY ADV. SRI.N.P.SAMUEL,
SRI.B.K.PURUSHOTHAMAN.

RESPONDENTS:
----

1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, PUBLIC WORKS TRANSPORT (J) DEPRTMENT, THIRUVANANTHAPURAM.**
2. **THE CHIEF ENGINEER, PUBLIC WORKS DEPARTMENT (ADMINISTRATION), THIRUVANANTHAPURAM.**
3. **THE KERALA PUBLIC SERVICE COMMISSION, REPRESENTED BY THE SECRETARY, THIRUVANANTHAPURAM.**
4. **THE ASSISTANT ENGINEER, PUBLIC WORKS DEPARTMENT, BRIDGE SECTION, CHAVAKKAD, THRISSUR DISTRICT.**

BY GOVT. PLEADER SRI. BIJOY CHANDRAN,
ADV. SRI. P.C. SASIDHARAN, SC, PSC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/05/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 11539 OF 2006-W

JUDGMENT

The petitioner, who resigned from service on 4.4.1984, was reinstated in service by Ext.P1 order of the Government dated 20.11.1987, subject to the condition that his appointment will be treated as a fresh appointment and he will be treated as a new entrant. Recently, he moved for modifying the condition to treat him as a new entrant and claiming the benefit of past service. Since the said claim of the petitioner was not allowed, this Writ Petition is filed, challenging Ext.P1 and also Ext.P3 communication, by which he was directed to complete probation after his re-appointment.

2. The challenge against Ext.P1 order made by the petitioner is highly belated. The same cannot be entertained at this distance of time. As long as the said order remains in force, there is nothing wrong with Ext.P3. Accordingly, the writ petition fails and it is dismissed.

31st May, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/